

1 AN ACT in relation to public employee benefits.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Illinois Pension Code is amended by  
5 changing Section 14-110 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)  
7 Sec. 14-110. Alternative retirement annuity.

8 (a) Any member who has withdrawn from service with not  
9 less than 20 years of eligible creditable service and has  
10 attained age 55, and any member who has withdrawn from  
11 service with not less than 25 years of eligible creditable  
12 service and has attained age 50, regardless of whether the  
13 attainment of either of the specified ages occurs while the  
14 member is still in service, shall be entitled to receive at  
15 the option of the member, in lieu of the regular or minimum  
16 retirement annuity, a retirement annuity computed as  
17 follows:

18 (i) for periods of service as a noncovered  
19 employee: if retirement occurs on or after January 1,  
20 2001, 3% of final average compensation for each year of  
21 creditable service; if retirement occurs before January  
22 1, 2001, 2 1/4% of final average compensation for each of  
23 the first 10 years of creditable service, 2 1/2% for each  
24 year above 10 years to and including 20 years of  
25 creditable service, and 2 3/4% for each year of  
26 creditable service above 20 years; and

27 (ii) for periods of eligible creditable service as  
28 a covered employee: if retirement occurs on or after  
29 January 1, 2001, 2.5% of final average compensation for  
30 each year of creditable service; if retirement occurs  
31 before January 1, 2001, 1.67% of final average

1 compensation for each of the first 10 years of such  
2 service, 1.90% for each of the next 10 years of such  
3 service, 2.10% for each year of such service in excess of  
4 20 but not exceeding 30, and 2.30% for each year in  
5 excess of 30.

6 Such annuity shall be subject to a maximum of 75% of  
7 final average compensation if retirement occurs before  
8 January 1, 2001 or to a maximum of 80% of final average  
9 compensation if retirement occurs on or after January 1,  
10 2001.

11 These rates shall not be applicable to any service  
12 performed by a member as a covered employee which is not  
13 eligible creditable service. Service as a covered employee  
14 which is not eligible creditable service shall be subject to  
15 the rates and provisions of Section 14-108.

16 (b) For the purpose of this Section, "eligible  
17 creditable service" means creditable service resulting from  
18 service in one or more of the following positions:

- 19 (1) State policeman;
- 20 (2) fire fighter in the fire protection service of  
21 a department;
- 22 (3) air pilot;
- 23 (4) special agent;
- 24 (5) investigator for the Secretary of State;
- 25 (6) conservation police officer;
- 26 (7) investigator for the Department of Revenue;
- 27 (8) security employee of the Department of Human  
28 Services;
- 29 (9) Central Management Services security police  
30 officer;
- 31 (10) security employee of the Department of  
32 Corrections;
- 33 (11) dangerous drugs investigator;
- 34 (12) investigator for the Department of State

1 Police;

2 (13) investigator for the Office of the Attorney  
3 General;

4 (14) controlled substance inspector;

5 (15) investigator for the Office of the State's  
6 Attorneys Appellate Prosecutor;

7 (16) Commerce Commission police officer;

8 (17) arson investigator;

9 (18) State highway maintenance worker.

10 A person employed in one of the positions specified in  
11 this subsection is entitled to eligible creditable service  
12 for service credit earned under this Article while undergoing  
13 the basic police training course approved by the Illinois Law  
14 Enforcement Training Standards Board, if completion of that  
15 training is required of persons serving in that position. For  
16 the purposes of this Code, service during the required basic  
17 police training course shall be deemed performance of the  
18 duties of the specified position, even though the person is  
19 not a sworn peace officer at the time of the training.

20 (c) For the purposes of this Section:

21 (1) The term "state policeman" includes any title  
22 or position in the Department of State Police that is  
23 held by an individual employed under the State Police  
24 Act.

25 (2) The term "fire fighter in the fire protection  
26 service of a department" includes all officers in such  
27 fire protection service including fire chiefs and  
28 assistant fire chiefs.

29 (3) The term "air pilot" includes any employee  
30 whose official job description on file in the Department  
31 of Central Management Services, or in the department by  
32 which he is employed if that department is not covered by  
33 the Personnel Code, states that his principal duty is the  
34 operation of aircraft, and who possesses a pilot's

1 license; however, the change in this definition made by  
2 this amendatory Act of 1983 shall not operate to exclude  
3 any noncovered employee who was an "air pilot" for the  
4 purposes of this Section on January 1, 1984. The term  
5 "air pilot" also includes any person employed by the  
6 Illinois Department of Transportation in the position of  
7 flight safety coordinator or Bureau Chief of Air  
8 Operations.

9 (4) The term "special agent" means any person who  
10 by reason of employment by the Division of Narcotic  
11 Control, the Bureau of Investigation or, after July 1,  
12 1977, the Division of Criminal Investigation, the  
13 Division of Internal Investigation, the Division of  
14 Operations, or any other Division or organizational  
15 entity in the Department of State Police is vested by law  
16 with duties to maintain public order, investigate  
17 violations of the criminal law of this State, enforce the  
18 laws of this State, make arrests and recover property.  
19 The term "special agent" includes any title or position  
20 in the Department of State Police that is held by an  
21 individual employed under the State Police Act.

22 (5) The term "investigator for the Secretary of  
23 State" means any person employed by the Office of the  
24 Secretary of State and vested with such investigative  
25 duties as render him ineligible for coverage under the  
26 Social Security Act by reason of Sections 218(d)(5)(A),  
27 218(d)(8)(D) and 218(1)(1) of that Act.

28 A person who became employed as an investigator for  
29 the Secretary of State between January 1, 1967 and  
30 December 31, 1975, and who has served as such until  
31 attainment of age 60, either continuously or with a  
32 single break in service of not more than 3 years  
33 duration, which break terminated before January 1, 1976,  
34 shall be entitled to have his retirement annuity

1 calculated in accordance with subsection (a),  
2 notwithstanding that he has less than 20 years of credit  
3 for such service.

4 (6) The term "Conservation Police Officer" means  
5 any person employed by the Division of Law Enforcement of  
6 the Department of Natural Resources and vested with such  
7 law enforcement duties as render him ineligible for  
8 coverage under the Social Security Act by reason of  
9 Sections 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of  
10 that Act. The term "Conservation Police Officer"  
11 includes the positions of Chief Conservation Police  
12 Administrator and Assistant Conservation Police  
13 Administrator.

14 (7) The term "investigator for the Department of  
15 Revenue" means any person employed by the Department of  
16 Revenue and vested with such investigative duties as  
17 render him ineligible for coverage under the Social  
18 Security Act by reason of Sections 218(d)(5)(A),  
19 218(d)(8)(D) and 218(1)(1) of that Act.

20 (8) The term "security employee of the Department  
21 of Human Services" means any person employed by the  
22 Department of Human Services who (i) is employed at the  
23 Chester Mental Health Center and has daily contact with  
24 the residents thereof, (ii) is employed within a security  
25 unit at a facility operated by the Department and has  
26 daily contact with the residents of the security unit,  
27 (iii) is employed at a facility operated by the  
28 Department that includes a security unit and is regularly  
29 scheduled to work at least 50% of his or her working  
30 hours within that security unit, or (iv) is a mental  
31 health police officer. "Mental health police officer"  
32 means any person employed by the Department of Human  
33 Services in a position pertaining to the Department's  
34 mental health and developmental disabilities functions

1 who is vested with such law enforcement duties as render  
2 the person ineligible for coverage under the Social  
3 Security Act by reason of Sections 218(d)(5)(A),  
4 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"  
5 means that portion of a facility that is devoted to the  
6 care, containment, and treatment of persons committed to  
7 the Department of Human Services as sexually violent  
8 persons, persons unfit to stand trial, or persons not  
9 guilty by reason of insanity. With respect to past  
10 employment, references to the Department of Human  
11 Services include its predecessor, the Department of  
12 Mental Health and Developmental Disabilities.

13 The changes made to this subdivision (c)(8) by  
14 Public Act 92-14 apply to persons who retire on or after  
15 January 1, 2001, notwithstanding Section 1-103.1.

16 (9) "Central Management Services security police  
17 officer" means any person employed by the Department of  
18 Central Management Services who is vested with such law  
19 enforcement duties as render him ineligible for coverage  
20 under the Social Security Act by reason of Sections  
21 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

22 (10) The term "security employee of the Department  
23 of Corrections" means any employee of the Department of  
24 Corrections or the former Department of Personnel, and  
25 any member or employee of the Prisoner Review Board, who  
26 has daily contact with inmates by working within a  
27 correctional facility or who is a parole officer or an  
28 employee who has direct contact with committed persons in  
29 the performance of his or her job duties.

30 (11) The term "dangerous drugs investigator" means  
31 any person who is employed as such by the Department of  
32 Human Services.

33 (12) The term "investigator for the Department of  
34 State Police" means a person employed by the Department

1 of State Police who is vested under Section 4 of the  
2 Narcotic Control Division Abolition Act with such law  
3 enforcement powers as render him ineligible for coverage  
4 under the Social Security Act by reason of Sections  
5 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

6 (13) "Investigator for the Office of the Attorney  
7 General" means any person who is employed as such by the  
8 Office of the Attorney General and is vested with such  
9 investigative duties as render him ineligible for  
10 coverage under the Social Security Act by reason of  
11 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that  
12 Act. For the period before January 1, 1989, the term  
13 includes all persons who were employed as investigators  
14 by the Office of the Attorney General, without regard to  
15 social security status.

16 (14) "Controlled substance inspector" means any  
17 person who is employed as such by the Department of  
18 Professional Regulation and is vested with such law  
19 enforcement duties as render him ineligible for coverage  
20 under the Social Security Act by reason of Sections  
21 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.  
22 The term "controlled substance inspector" includes the  
23 Program Executive of Enforcement and the Assistant  
24 Program Executive of Enforcement.

25 (15) The term "investigator for the Office of the  
26 State's Attorneys Appellate Prosecutor" means a person  
27 employed in that capacity on a full time basis under the  
28 authority of Section 7.06 of the State's Attorneys  
29 Appellate Prosecutor's Act.

30 (16) "Commerce Commission police officer" means any  
31 person employed by the Illinois Commerce Commission who  
32 is vested with such law enforcement duties as render him  
33 ineligible for coverage under the Social Security Act by  
34 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and

1 218(1)(1) of that Act.

2 (17) "Arson investigator" means any person who is  
3 employed as such by the Office of the State Fire Marshal  
4 and is vested with such law enforcement duties as render  
5 the person ineligible for coverage under the Social  
6 Security Act by reason of Sections 218(d)(5)(A),  
7 218(d)(8)(D), and 218(1)(1) of that Act. A person who  
8 was employed as an arson investigator on January 1, 1995  
9 and is no longer in service but not yet receiving a  
10 retirement annuity may convert his or her creditable  
11 service for employment as an arson investigator into  
12 eligible creditable service by paying to the System the  
13 difference between the employee contributions actually  
14 paid for that service and the amounts that would have  
15 been contributed if the applicant were contributing at  
16 the rate applicable to persons with the same social  
17 security status earning eligible creditable service on  
18 the date of application.

19 (18) The term "State highway maintenance worker"  
20 means a person who is either of the following:

21 (i) A person employed on a full-time basis by  
22 the Illinois Department of Transportation in the  
23 position of highway maintainer, highway maintenance  
24 lead worker, highway maintenance lead/lead worker,  
25 heavy construction equipment operator, power shovel  
26 operator, or bridge mechanic; and whose principal  
27 responsibility is to perform, on the roadway, the  
28 actual maintenance necessary to keep the highways  
29 that form a part of the State highway system in  
30 serviceable condition for vehicular traffic.

31 (ii) A person employed on a full-time basis by  
32 the Illinois State Toll Highway Authority in the  
33 position of equipment operator/laborer H-4,  
34 equipment operator/laborer H-6, welder H-4,

1 welder H-6, mechanical/electrical H-4,  
 2 mechanical/electrical H-6, water/sewer H-4,  
 3 water/sewer H-6, sign maker/hanger H-4, sign  
 4 maker/hanger H-6, roadway lighting H-4, roadway  
 5 lighting H-6, structural H-4, structural H-6,  
 6 painter H-4, or painter H-6; and whose principal  
 7 responsibility is to perform, on the roadway, the  
 8 actual maintenance necessary to keep the Authority's  
 9 tollways in serviceable condition for vehicular  
 10 traffic.

11 (d) A security employee of the Department of  
 12 Corrections, and a security employee of the Department of  
 13 Human Services who is not a mental health police officer,  
 14 shall not be eligible for the alternative retirement annuity  
 15 provided by this Section unless he or she meets the following  
 16 minimum age and service requirements at the time of  
 17 retirement:

18 (i) 25 years of eligible creditable service and age  
 19 55; or

20 (ii) beginning January 1, 1987, 25 years of  
 21 eligible creditable service and age 54, or 24 years of  
 22 eligible creditable service and age 55; or

23 (iii) beginning January 1, 1988, 25 years of  
 24 eligible creditable service and age 53, or 23 years of  
 25 eligible creditable service and age 55; or

26 (iv) beginning January 1, 1989, 25 years of  
 27 eligible creditable service and age 52, or 22 years of  
 28 eligible creditable service and age 55; or

29 (v) beginning January 1, 1990, 25 years of eligible  
 30 creditable service and age 51, or 21 years of eligible  
 31 creditable service and age 55; or

32 (vi) beginning January 1, 1991, 25 years of  
 33 eligible creditable service and age 50, or 20 years of  
 34 eligible creditable service and age 55.

1           Persons who have service credit under Article 16 of this  
2 Code for service as a security employee of the Department of  
3 Corrections or the Department of Human Services in a position  
4 requiring certification as a teacher may count such service  
5 toward establishing their eligibility under the service  
6 requirements of this Section; but such service may be used  
7 only for establishing such eligibility, and not for the  
8 purpose of increasing or calculating any benefit.

9           (e) If a member enters military service while working in  
10 a position in which eligible creditable service may be  
11 earned, and returns to State service in the same or another  
12 such position, and fulfills in all other respects the  
13 conditions prescribed in this Article for credit for military  
14 service, such military service shall be credited as eligible  
15 creditable service for the purposes of the retirement annuity  
16 prescribed in this Section.

17           (f) For purposes of calculating retirement annuities  
18 under this Section, periods of service rendered after  
19 December 31, 1968 and before October 1, 1975 as a covered  
20 employee in the position of special agent, conservation  
21 police officer, mental health police officer, or investigator  
22 for the Secretary of State, shall be deemed to have been  
23 service as a noncovered employee, provided that the employee  
24 pays to the System prior to retirement an amount equal to (1)  
25 the difference between the employee contributions that would  
26 have been required for such service as a noncovered employee,  
27 and the amount of employee contributions actually paid, plus  
28 (2) if payment is made after July 31, 1987, regular interest  
29 on the amount specified in item (1) from the date of service  
30 to the date of payment.

31           For purposes of calculating retirement annuities under  
32 this Section, periods of service rendered after December 31,  
33 1968 and before January 1, 1982 as a covered employee in the  
34 position of investigator for the Department of Revenue shall

1 be deemed to have been service as a noncovered employee,  
2 provided that the employee pays to the System prior to  
3 retirement an amount equal to (1) the difference between the  
4 employee contributions that would have been required for such  
5 service as a noncovered employee, and the amount of employee  
6 contributions actually paid, plus (2) if payment is made  
7 after January 1, 1990, regular interest on the amount  
8 specified in item (1) from the date of service to the date of  
9 payment.

10 (g) A State policeman may elect, not later than January  
11 1, 1990, to establish eligible creditable service for up to  
12 10 years of his service as a policeman under Article 3, by  
13 filing a written election with the Board, accompanied by  
14 payment of an amount to be determined by the Board, equal to  
15 (i) the difference between the amount of employee and  
16 employer contributions transferred to the System under  
17 Section 3-110.5, and the amounts that would have been  
18 contributed had such contributions been made at the rates  
19 applicable to State policemen, plus (ii) interest thereon at  
20 the effective rate for each year, compounded annually, from  
21 the date of service to the date of payment.

22 Subject to the limitation in subsection (i), a State  
23 policeman may elect, not later than July 1, 1993, to  
24 establish eligible creditable service for up to 10 years of  
25 his service as a member of the County Police Department under  
26 Article 9, by filing a written election with the Board,  
27 accompanied by payment of an amount to be determined by the  
28 Board, equal to (i) the difference between the amount of  
29 employee and employer contributions transferred to the System  
30 under Section 9-121.10 and the amounts that would have been  
31 contributed had those contributions been made at the rates  
32 applicable to State policemen, plus (ii) interest thereon at  
33 the effective rate for each year, compounded annually, from  
34 the date of service to the date of payment.

1           (h) Subject to the limitation in subsection (i), a State  
2 policeman or investigator for the Secretary of State may  
3 elect to establish eligible creditable service for up to 12  
4 years of his service as a policeman under Article 5, by  
5 filing a written election with the Board on or before January  
6 31, 1992, and paying to the System by January 31, 1994 an  
7 amount to be determined by the Board, equal to (i) the  
8 difference between the amount of employee and employer  
9 contributions transferred to the System under Section 5-236,  
10 and the amounts that would have been contributed had such  
11 contributions been made at the rates applicable to State  
12 policemen, plus (ii) interest thereon at the effective rate  
13 for each year, compounded annually, from the date of service  
14 to the date of payment.

15           Subject to the limitation in subsection (i), a State  
16 policeman, conservation police officer, or investigator for  
17 the Secretary of State may elect to establish eligible  
18 creditable service for up to 10 years of service as a  
19 sheriff's law enforcement employee under Article 7, by filing  
20 a written election with the Board on or before January 31,  
21 1993, and paying to the System by January 31, 1994 an amount  
22 to be determined by the Board, equal to (i) the difference  
23 between the amount of employee and employer contributions  
24 transferred to the System under Section 7-139.7, and the  
25 amounts that would have been contributed had such  
26 contributions been made at the rates applicable to State  
27 policemen, plus (ii) interest thereon at the effective rate  
28 for each year, compounded annually, from the date of service  
29 to the date of payment.

30           (i) The total amount of eligible creditable service  
31 established by any person under subsections (g), (h), (j),  
32 (k), and (l) of this Section shall not exceed 12 years.

33           (j) Subject to the limitation in subsection (i), an  
34 investigator for the Office of the State's Attorneys

1 Appellate Prosecutor or a controlled substance inspector may  
2 elect to establish eligible creditable service for up to 10  
3 years of his service as a policeman under Article 3 or a  
4 sheriff's law enforcement employee under Article 7, by filing  
5 a written election with the Board, accompanied by payment of  
6 an amount to be determined by the Board, equal to (1) the  
7 difference between the amount of employee and employer  
8 contributions transferred to the System under Section 3-110.6  
9 or 7-139.8, and the amounts that would have been contributed  
10 had such contributions been made at the rates applicable to  
11 State policemen, plus (2) interest thereon at the effective  
12 rate for each year, compounded annually, from the date of  
13 service to the date of payment.

14 (k) Subject to the limitation in subsection (i) of this  
15 Section, an alternative formula employee may elect to  
16 establish eligible creditable service for periods spent as a  
17 full-time law enforcement officer or full-time corrections  
18 officer employed by the federal government or by a state or  
19 local government located outside of Illinois, for which  
20 credit is not held in any other public employee pension fund  
21 or retirement system. To obtain this credit, the applicant  
22 must file a written application with the Board by March 31,  
23 1998, accompanied by evidence of eligibility acceptable to  
24 the Board and payment of an amount to be determined by the  
25 Board, equal to (1) employee contributions for the credit  
26 being established, based upon the applicant's salary on the  
27 first day as an alternative formula employee after the  
28 employment for which credit is being established and the  
29 rates then applicable to alternative formula employees, plus  
30 (2) an amount determined by the Board to be the employer's  
31 normal cost of the benefits accrued for the credit being  
32 established, plus (3) regular interest on the amounts in  
33 items (1) and (2) from the first day as an alternative  
34 formula employee after the employment for which credit is

1 being established to the date of payment.

2 (1) Subject to the limitation in subsection (i), a  
3 security employee of the Department of Corrections may elect,  
4 not later than July 1, 1998, to establish eligible creditable  
5 service for up to 10 years of his or her service as a  
6 policeman under Article 3, by filing a written election with  
7 the Board, accompanied by payment of an amount to be  
8 determined by the Board, equal to (i) the difference between  
9 the amount of employee and employer contributions transferred  
10 to the System under Section 3-110.5, and the amounts that  
11 would have been contributed had such contributions been made  
12 at the rates applicable to security employees of the  
13 Department of Corrections, plus (ii) interest thereon at the  
14 effective rate for each year, compounded annually, from the  
15 date of service to the date of payment.

16 (Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01;  
17 92-14, eff. 6-28-01; 92-257, eff. 8-6-01; 92-651, eff.  
18 7-11-02.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.